

10/731,206

February 23, 2005

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Subject: Response to "Detailed Action" on Election/Restriction issued by USPTO Patent Examiner Harold Joyce, dated 02/09/2005, pertaining to a patent application entitled "Method and Device to Prevent Indoor Release of Carbon Monoxide and Smoke from Combustors." **(Application /Control Number:10/731,206)**

Dear Sir/Madam:

In compliance with the instructions stated in Patent Examiner Harold Joyce's Detailed Action (see copy attached) dated 02/09/2005, I request the following:

(1). Add a generic claim to the patent, to become the first claim in the revised CLAIMS, as follows:

"A means to reduce the chance of indoor release of dangerous exhaust gases including carbon monoxide and smoke from any indoor burner such as a wood-burning stove, a pellet stove, a fireplace, with the method being based on the use of a device that can cause the internal pressure of the building housing the said burner to rise to above the ambient atmospheric pressure, so that said exhaust gases will be forced out said building through a chimney, with said device being either an air pump that blows air into said building, or being a stagnation tube mounted on a rotating vane which draws air into the building by using wind power."

I believe that the above generic general claim is justified due to the lack of such means or concept reported in the literature or in any other patent, as discussed in the SPECIFICATION.

(2). If it is necessary for me to make an **election**, I would like to elect Claims 16 to 20, which deal with the air pump system based on Figs.1 to 3. I believe that this elected embodiment is more useful than, and as justifiable as, the other embodiment. The elected embodiment is discussed in BACKGROUND OF INVENTION, under 3 Alternative Invention (page 6 of SPECIFICATION).

It is my understanding that federal laws allow individual inventors, who are filing for their own patent applications, to seek help from the Patent Examiner to write one or two claims for the inventor. In view of this, I hereby request Mr. Joyce to review the generic claim that I have prepared, stated above in boldface italic letters, to see whether the claim meets his approval, and if not, to revise it so that it will meet his approval.

I look forward to hearing from Mr. Joyce again:

Sincerely,
Henry Liu
Henry Liu

3212 Woodbine Drive, Columbia, MO 65203
Phone: 573-442-0080; Fax: 573-442-0810
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✓ Cc: Mr. Harold Joyce, Patent Examiner

Attachment: Office Action Summary



ATTACHMENT

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,206	12/10/2003	Henry Liu		4602
7590	02/09/2005			
Dr. Henry Liu 3212 Woodbine Drive Columbia, MO 65203-0976			EXAMINER JOYCE, HAROLD	
			ART UNIT 3749	PAPER NUMBER

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	10/731,206	Applicant(s)
Examiner	LIU, HENRY	
Harold Joyce	Art Unit	3749

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Figures 1-3

Figures 4-9

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In

either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Joyce whose telephone number is (571)272-4876. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (571)272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harold Joyce
Primary Examiner
Art Unit 3749

CERTIFIED MAIL

10/7/31/206



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Henry Lee
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Columbia, MO 65201

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Mr. Harold Joyce

3749
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